

TULLYTOWN BOROUGH COUNCIL MEETING DECEMBER 13, 2016

Vice President Joe Shellenberger called the meeting of the Tullytown Borough Council to order on Tuesday, December 13, 2016 at 7:00 p.m.

Mayor Cutchineal asked for a moment of silence for Ida Pirolli and Sally Stover Madden who recently passed away.

Present at the meeting:

Mayor Cutchineal

Councilwoman Grady—absent due to illness

Councilwoman Kettler

Councilwoman Slemmer

Councilman Pirolli

Councilwoman Gahagan

Councilman Shellenberger

Councilwoman Kucher—absent due to illness

Also present:

Michael T. Sellers, Esq., Borough Solicitor

Kurt Schroeder, Gilmore & Associates, Inc, Borough Engineer

Alison Smith, Borough Coordinator

Joe McPadden, Borough Treasurer

Nancy Conner, Borough Secretary

SOLICITOR'S REPORT ON EXECUTIVE SESSION

Mr. Sellers reported that Council met in executive session this evening to discuss status on PECO legal claim, status on pending litigation of matter of Armstrong vs Tullytown Borough, status of Borough of Tullytown vs River's Edge and police contract matter.

PUBLIC COMMENT

There was no public comment for the meeting.

Mrs. Slemmer introduced our newly appointed treasurer, Joe McPadden and welcomed him.

COUNCIL MINUTES

NOVEMBER 1, 2016 COUNCIL MEETING MINUTES

A motion was made by Mrs. Kettler to approve the minutes of the November 1, 2016 Council meeting, seconded by Ms. Gahagan. All of Council was in favor of the motion. The motion carried.

NOVEMBER 29, 2016 SPECIAL MEETING

A motion was made by Mr. Pirolli to approve the minutes of the special meeting of November 29, 2016, seconded by Mrs. Kettler. The motion passed with a unanimous vote of Council in favor.

TREASURER'S REPORT

MONTHLY BILLS

A motion was made by Mr. Pirolli to approve the monthly bills in the amount of \$49,758.24, seconded by Mrs. Slemmer. All of Council was in favor of the motion; the motion carried.

RECONCILIATION STATEMENT

A motion was made by Ms. Gahagan to approve the Reconciliation statement for November, 2016, seconded by Mr. Pirolli. All of Council was in favor of the motion; the motion carried.

COMMUNICATIONS

Mrs. Conner advised that Council received a thank you letter from the Baker family for the repair of the drain in front of their home. They commented that the contractor did a good job and were very nice.

Mrs. Conner also read a letter from Bristol Borough Police thanking the Tullytown Borough Police Department for their assistance during the Vice Presidential visit in November.

Mrs. Conner mentioned the Toy Drive that Tina Grady is conducting and advised that toys can be dropped off at the Borough Hall. She added that people may contact Tina Grady for information and can check the government channel and website for more information.

Mrs. Conner also mentioned that the Fire Department will hold the "Santa Run" on Saturday, December 16th to collect canned goods and non-perishables; however, the run might be held on Friday night at 6 pm if the weather does not look good for Saturday.

GENERAL BUSINESS

2017 FINAL BUDGET—CONSIDERATION

Mr. Pirolli advised that the 2017 Budget was approved by Council on November 1, 2016. He stated that it was legally advertised and available for inspection for 10 days as per the Borough Code.

Mr. Sellers advised this is an opportunity for the public to be heard. Mr. Shellenberger opened the public hearing.

There was no comment or questions from the public or Council; therefore, the public hearing was closed.

Mr. Pirolli made a motion to adopt the 2017 Final Budget, seconded by Mrs. Slemmer.

Roll call vote was taken:

Mrs. Kettler—for

Mrs. Slemmer—for

Mr. Pirolli—for

Ms. Gahagan—for

Mr. Shellenberger—for

All of Council was in favor of the motion; the motion carried.

PUBLIC HEARING—2017 TAX LEVY ORDINANCE

Mr. Sellers advised that after the adoption of the 2017 budget, the public hearing is required on the adoption of the 2017 tax levy ordinance. He noted for the record that the proposed 2017 budget, now adopted, and the tax levy ordinance were both advertised according to Borough Code prior to this evenings meeting.

Mr. Sellers advised the ordinance was advertised to show the tax rate for general purposes of 7.5 mills, tax rate for street lighting purposes—sum of 2 mills and the tax rate for fire protection purposes the sum of 2 mills.

The floor was opened for the public hearing. There were no comments from the public or Council; therefore, the public hearing was closed.

Mr. Pirolli made a motion to adopt Ord #377, 2017 Tax Levy Ordinance, seconded by Slemmer.

Roll call vote was taken:

Mrs. Kettler—for

Mrs. Slemmer—for

Mr. Pirolli—for

Ms. Gahagan—for

Mr. Shellenberger—for

The vote of Council was unanimous in favor of the motion; the motion carried.

PUBLIC HEARING—AMENDMENT TO FLOODPLAIN ORDINANCE

Mr. Sellers advised that Ordinance #369 was adopted on February 3, 2015. He added that the provisions of that ordinance were required by the Pennsylvania Flood Plain Management Act of 1978 and this is required to meet Federal requirements as administered by FEMA. Mr. Sellers commented that the passage of that ordinance was basically required to assure that property owners in the Borough will continue to avail themselves of the benefit of flood insurance through the Federal program.

He stated that since then, changes are proposed to the “model” ordinance that we adopted back in February, 2015. He added there are changes being made including the date of the new insurance rate maps to March 21, 2017 from March 16, 2015. Mr. Sellers advised that the amendment makes it more restrictive for things to be done to a property because of the concern for flooding and the need to obtain review by the Borough and permitting as needed.

Mr. Shellenberger opened the public hearing.

Mr. Pirolli commented that when the new maps come out—some of the flood areas now will be taken out. Mrs. Smith advised that is correct—some will be taken out and some will be added in. She mentioned that there are properties that we submitted that surveys are different from what FEMA originally had put in for their elevations which would take those specific properties out.

There were no other comments from the public or Council; therefore, the public hearing was closed.

Mr. Pirolli made a motion to adopt Ordinance #378, seconded by Ms. Gahagan.

Mr. Pirolli commented that if we do not adopt the ordinance we will not get any assistance from FEMA. Mrs. Smith added that not only will we not get help from FEMA but also residents will not be able to obtain flood insurance.

The vote of Council was unanimous in favor of the motion; the motion passed.

AMENDMENT TO SOLID WASTE DISPOSAL ORDINANCE—AUTHORIZE ADVERTISEMENT

Mr. Sellers advised that this ordinance proposes changes to the existing solid waste ordinance in Chapter 146 of the Tullytown Borough Code. He added these changes are driven by the fact that some time has passed since changes have been made to the solid waste ordinance but as of June 2017, the Borough will be responsible for the collection of solid waste of trash and recyclables and disposing of them in the proper manner under Pennsylvania Law.

Mr. Pirolli made a motion to authorize advertising of amendments to the solid waste ordinance, seconded by Mrs. Kettler. All of Council was in favor of the motion; the motion carried.

RECYCLING ORDINANCE—AUTHORIZE ADVERTISEMENT

Mr. Sellers advised that the Borough does not have a recycling ordinance and since the Borough will be assuming responsibility for collection and disposal as of June 1, 2017, it is appropriate that the Council adopt such ordinance.

Ms. Gahagan made a motion to advertise the Recycling Ordinance, seconded by Mrs. Kettler.

Mr. Pirolli asked if we received checks for recycling in the past and asked if we still do receive. Mrs. Smith advised she checked with our treasurer and was advised that we have not been receiving checks for recycling.

The motion passed with a unanimous vote of Council in favor.

AUTHORIZE ADVERTISEMENT OF 2017 COUNCIL MEETINGS

Mrs. Conner advised the Council meetings are always the 1st Tuesday of the month with the exception of July and November meetings due to 4th of July holiday and Election Day. She added that she checked with chair of Planning Commission to confirm that Planning Commission meetings will be advertised as the 2nd Monday of the month at 7:00 p.m.

Mr. Pirolli made a motion to authorize the Council meetings and Planning Commission meetings for the 2017 year as Mrs. Conner indicated, seconded by Mrs. Kettler. All of Council was in favor of the motion; the motion carried.

TRASH PROPOSALS—AWARD BID

Mrs. Smith advised that Waste Management was the lowest responsible bidder of the 3 bids received. She indicated there are options Council has to decide upon.

Mrs. Smith advised Council of the options (indicated on her Coordinator's Report), which will become a part of the minutes.

Mrs. Smith commented regarding yard waste—our public works department picks up and she suggests we continue with that.

Mr. Pirolli questioned if the once a week bulk pick-up that Waste Management will provide is included in the solid waste cost. Mrs. Smith advised that is correct.

Mr. Pirolli made a motion to award the contract for curb service collection to the lowest responsible bidder, Waste Management, accepting options #3 and #5 of its proposal for a term from June 1, 2017 through December 31, 2020, and total consideration of \$317,772. Mrs. Slemmer seconded the motion.

Roll call vote was taken:

Mrs. Kettler—for

Mrs. Slemmer—for

Mr. Pirolli—for

Ms. Gahagan—for

Mr. Shellenberger—for

All of Council was in favor of the motion; the motion carried.

Mr. Sellers advised that since Council has awarded the contract to Waste Management, he suggested Council adopt resolution to authorize the President of Council and Secretary to sign the contract for the 3 ½ year term as awarded by Council this evening.

Mr. Pirolli made a motion to adopt Resolution #362, seconded by Mrs. Slemmer. All of Council was in favor of the motion; the motion carried.

EMPLOYEE BONUS—CONSIDERATION

Mr. Pirolli made a motion for \$300.00 for all employees as a Christmas bonus. Mrs. Slemmer seconded the motion.

Mr. Shellenberger asked that since his wife is a crossing guard, should he abstain on the vote. Mr. Sellers advised that he should abstain as it is family relation and Ms. Gahagan abstain as she is directly affected.

Roll call vote was taken:

Mrs. Kettler—for

Mrs. Slemmer—for

Mr. Pirolli—for

Ms. Gahagan—abstain

Mr. Shellenberger—abstain

The vote of Council was 3 in favor, 2 abstentions; the motion carried.

RESOLUTION—ESTABLISHING FEE FOR OPENING ROADS—CONSIDERATION

Mr. Sellers explained that this has to do with an additional amendment to the fee schedule previously adopted which the fees are charged by the Borough for various things. He added that one item to be added is the fee for the road opening.

Mr. Pirolli made a motion to adopt Resolution #363, seconded by Ms. Gahagan. All of Council was in favor of the motion; the motion carried.

COMMITTEE REPORTS

There were no Committee Reports.

BOROUGH REPORTS

MAYOR'S REPORT

Mayor Cutchineal congratulated Dale Mastrull on his re-election as Chief of Tullytown Fire Department. Mayor added that he did a great job last year. Mayor Cutchineal also wished all of our residents a healthy, happy, prosperous Christmas and Happy New Year.

COORDINATOR'S REPORT

A copy of the Coordinator's report is attached to the minutes.

Regarding the Tullytown Canal Park, Mrs. Smith advised that Pennoni will be required to sign off that the construction was performed as designed; consequently, Pennoni will need to observe the actual construction of those portions of the park that handle storm water.

Kurt Schroeder of Gilmore feels that Pennoni should remain in this project for everyone's sake in this capacity. He added Gilmore will take care of the day to day and Pennoni should handle the storm water---when Pennoni is out there Gilmore will not be in most cases.

Mrs. Smith advised she is asking Council to approve the contract with Pennoni for \$10,500.

Ms. Gahagan asked why Gilmore won't also be present. Mrs. Smith advised that Gilmore will be present on all the other elements of the construction but they won't be present on what Pennoni is reviewing and Pennoni has to do the observation of the storm water construction in order to sign off on the permits.

Kurt Schroeder of Gilmore Associates commented that there is no sense both of the engineers being there at the same time which would be costly.

Mr. Shellenberger asked if this is a "not to exceed \$10,500"? Mrs. Smith commented the contract is for \$10,500 which is an estimate. She added we are only going to pay the hours they are actually out there. If the contractor goes faster, we will be paying less and vice versa.

Mr. Pirolli made a motion to approve the contract with Pennoni for \$10,500, seconded by Ms. Gahagan.

Roll call vote was taken:

Mrs. Kettler—for

Mrs. Slemmer—for

Mr. Pirolli—for

Ms. Gahagan—for

Mr. Shellenberger—for

All of Council was in favor of the motion; the motion carried.

Mrs. Smith advised that there are 2 trees that were part of the Public Works Department clearing and grubbing; they are large enough to require a tree cutting contractor. She advised that 3 quotes were received as follows:

McIlvaine -- \$2,850 for willow tree

Shades of Green -- \$2,900 for willow tree

Rick's Trees -- \$1,300 for willow and pine

Mrs. Kettler made a motion to approve the quote of Rick's Trees in the amount of \$1,300 for willow and pine trees to be cut down. Mrs. Slemmer seconded the motion. All of Council was in favor of the motion; the motion carried.

Mrs. Smith commented that she will look for approval of Council to go to zoning for approval for the contractor to be able to work on Sunday. She added there is a noise ordinance that does not allow construction that would create a noise problem to occur on Sunday---allowing the contractor to work on Sunday from 9 am to 5 pm would allow the work to get done faster.

Mr. Pirolli made a motion to authorize the Borough to make application to the Zoning Hearing Board to allow park construction on Sundays. Mrs. Slemmer seconded the motion. Mr. Shellenberger commented that there is a pretty big buffer between the homes and the property. He added Wal-Mart and Home Depot are there making noise currently so he doesn't think it will be a problem. Mrs. Smith advised she spoke with a few residents and they didn't have a problem with that.

The motion carried with a unanimous vote of Council in favor.

Mrs. Smith discussed the proposed McGrath project as noted in her report. Ms. Gahagan asked if the environmental study had been completed. Mrs. Smith was not aware if it had been completed.

SOLICITOR'S REPORT

Mr. Sellers advised he had no further report for tonight.

ENGINEER'S REPORT

Mr. Kurt Schroeder advised that they heard back from PennDOT regarding the flashers on the Levittown Parkway—it wasn't a "no" but they had further comments.

MISCELLANEOUS COUNCIL BUSINESS

There was no miscellaneous Council business for the evening.

ADJOURNMENT

There being no further business, a motion was made by Mr. Pirolli to adjourn the meeting, seconded by Ms. Gahagan. All of Council was in favor of the motion; the motion carried.

The meeting was adjourned at 7:46 p.m.

Respectfully submitted,



Nancy Conner
Borough Secretary

COORDINATOR'S REPORT

December 13, 2016

1. ~~CANAL'S END PARK~~ *Tullytown Canal Park.*

a. AGENDA ITEM (COORDINATOR'S REPORT) - CONTRACT AWARD:

- i. The park was designed by Pennoni Engineers and they have the Soil Conservation District's permit. The permit covers all the storm water related construction; the project is not considered finished until the Soil Conservation District has signed off on the permit. This requires Pennoni to sign off that the construction was performed as designed. For that, they need to observe the actual construction of those portions of the park that handle storm water.
- ii. As the designers they are responsible for approving the cut sheets that show what materials the contractor is ordering for the construction.
- iii. There will be some level of coordination needed between Gilmore, our construction manager, J.R. Kenney, the contractor, the Borough, and themselves.
- iv. Pennoni was asked to provide an estimate of how much this will cost which they provided based on an assumption of a normal construction timeline. (This means that if the contractor works very quickly, it will cost less and if he is very slow, it will cost more). Gilmore looked at the breakdown of the hours and believes that the estimate of the amount of time needed for the necessary tasks is appropriate.
- v. Gilmore noted that their estimate will be reduced by the hours that Pennoni puts in as two firms are not needed for any one task.
- vi. We are asking Council to approve a contract with Pennoni for \$10,500.00

b. PUBLIC WORKS INVOLVEMENT:

- i. The Borough's Public Works department is responsible for some of the tasks to construct the park. Those that needed to occur as soon as the contract was awarded were handled with alacrity and well. Their involvement will save between \$30,000 - \$45,000.

c. AGENDA ITEM (COORDINATOR'S REPORT) - TREE CONTRACT:

- i. There are two trees that were part of the Public Works Department's clearing and grubbing; they are large enough to require a tree cutting contractor.
- ii. Three quotes were received:
 1. McIlvaine \$2,850.00 for willow
 2. Shades of Green \$2,900.00 for willow
 3. Rick's Trees \$1,300.00 for willow and pine
- iii. The cost is included in the previously approved budget for the Public Works items for the park.



- iv. We are asking Council to approve a contract for \$1,300.00 for Rick's Trees
- d. **GROUND BREAKING:**
 - i. Groundbreaking for the park was held on December 7th; the contractor did a good job setting the scene:
 - ii. Council, State Representative John Galloway, DLC, Waste Management DCNR, and Bucks County Planning representation, the volunteer Park and Recreation Committee members, Counsel, and Borough administration, police and Public Works staff were all invited. Most were able to make it.
 - iii. Bucks County Courier Times was invited, they ran an article the day before to let the public know. (attached)
 - iv. Brief remarks from Tullytown (attached) and Representative John Galloway were made to thank all who made the project possible. A gray but happy day.
- e. **GRANT PAYMENT:**
 - i. We received a partial payment from Bucks County Planning, \$187,496.25 of the \$250,000.00
- f. **AGENDA ITEM (COORDINATOR'S REPORT) – VARIANCE TO THE NOISE ORDINANCE**

- i. The Borough's zoning code noise ordinance currently does not allow construction that would create a noise problem to occur on Sunday. The contractor is requesting to work on Sunday from 9 am to 5 pm.
 - ii. This will allow him to get the work done that much faster without additional contract cost.
 - iii. We are requesting Council's approval to seek zoning approval as needed.
- g. **AS INFORMATION:**
 - i. Waste Management, as part of their contribution to the park construction, will remove the Jersey barriers.

2. INLETS

- a. **AS INFORMATION:** Construction of the seven inlets on Fallsington Avenue and Main Street were completed under Gilmore's oversight.

3. TRASH

- a. **AGENDA ITEM – CONTRACT AWARD:**
 - i) A tabulation of the results for the trash bid is attached. It appears that Waste Management will be the low bid for either trash pick-up method: similar to what occurs now or for automated pick-up. The automated collection saves about \$73,000 over the five and a half years.

When looking at the line items:

OPTION 1: Twice weekly trash, once weekly for recycling, using existing cans on Tuesday and Friday (Waste Management \$579,544.00)

OPTION 2: Twice weekly trash, once weekly for recycling, using existing cans on days selected by vendor (done in case their ability to use an existing truck more economically was possible) (Waste Management \$579,544.00)

OPTION 3: Once weekly automated in 96 gallon cans, once weekly recycling, collected on Tuesday, the Borough owns the cans at the end of the period (Waste Management \$506,584.00)

OPTION 4: Once weekly automated in 96 gallon cans, once weekly recycling, collected on day selected by vendor, Borough owns the cans at the end of the period (ditto above explanation) (Waste Management \$506,584.00)

OPTION 5: Once weekly bulk waste collection (included with solid waste pick-up)

OPTION 6: Once weekly yard waste collection (Waste Management \$125,830.00)

There are 5 lines for each option that represent the five and a half years that the service could be offered: 3 ½ years for original term and then two one-year extensions. The totals are for the entire five and a half year period. Each vendor chose to include the cost of bulk pick-up in the solid waste pick-up cost which is why

there are no values in Option 5. Mascaro also included the cost of yard waste pick-up in their one solid waste cost.

- (ii) As there is no cost for one day of bulk waste pick-up, we could award the contract to Waste Management to do one day of bulk pick-up and Public Works would still handle the second day.
- (iii) If the automated option is chosen for the existing days it would be Option 3 and Option 5 for the bulk waste.
- (iv) If staying with the existing arrangement of residents using their own cans and pick-up being twice a week it would be Option 1 and Option 5 for the bulk waste.
- (v) Public Works would continue to do the yard waste pick-up.

b) AGENDA ITEM – ADVERTISE ORDINANCES FOR SOLID WASTE AND RECYCLING

- (i) In preparation for the new trash contract our existing solid waste ordinance needs to be updated and a recycling ordinance created.
- (ii) Some of the work is simple:
 - 1. Change the definitions to fit both what we currently do and what we will do in the future.
 - 2. Add language that addresses the possibility of automated pick-up.
 - 3. Set the calendar and hours for collection.
- (iii) Some is more complicated:
 - 1. The ordinances still have to set standards for other than residential dwellings
- (iv) The new ordinances have been written, they now need to be advertised
- (v) We are requesting Council's approval to advertise the new ordinances

4. STREETLIGHTS

a. AS INFORMATION:

- i. A letter was sent to PECO November 9, 2016 notifying them of our finding that we are being billed for 47 that either didn't exist (30) or were located on private property (17).
- ii. We stated that starting January 1, 2017 the Borough would deduct \$1,025.53 from our usual payment.
- iii. PECO was further requested to provide by January 31, 2017, a proposal for reimbursement of the historical overcharges.

5. ROADS AND RIGHT OF WAYS

a. AS INFORMATION:

- i. SEPTA is continuing to work on the signal pre-emption for emergency vehicles approaching the intersection of Route 13 and Fallsington Avenue. They had cut three trees down but that is not sufficient in the summer, currently there is no issue with the leaves down.

b. **AS INFORMATION:**

- i. PennDOT, with some prodding, painted the centerline for Fallsington Avenue.

c. **AGENDA ITEM – ROAD OPENINGS:**

- i. The Borough does not have a permit fee set for the opening of a road or sidewalk for utility work. The Borough Engineer did a quick scan of local municipalities and is recommending a fee schedule (attached) to be adopted by resolution.

d. **AS INFORMATION:**

- i. John McGrath is moving forward with plans for the Saint Mike's development which may be ready as soon as March or April. We have received a comment from a resident concerning necessary improvements to Levittown Parkway that should be included in the development. These have been forwarded to McGrath, but in general there will be a planning process where all comments will be collected to be considered for action.

6. **EVENTS**

a. **SEASON OF UNITY:**

- i. The Park and Recreation Committee sponsored a holiday celebration here at the Borough Hall. The Mayor was here and Santa arrived by fire engine. He took pictures with all the kids; there were also craft activities, prizes, snacks, and games. For the adults there were 10 vendors selling jewelry, baked goods, clothes and accessories. It was a very happy and well attended event. Mike Hammer and Linda Slemmer contributed all of the materials and food, Nina Chrzanowski loaned the faster printer and camera, additional volunteers that day were Mike Shellenberger, Michelle Hammer, Ronnie Baker, Aaron and Karen Cohen. Thanks to all who helped!

b. **POLICE DEPARTMENT FOOD DRIVE:**

- i. The police have made a number of runs to collect food donations and they will be putting together food baskets later this month. They have also received donations to buy perishables on the day that baskets are delivered.